



Legislative Bulletin.....July 18, 2007

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H.R. 3043 – PART II – Amendments to the Labor, Health and Human Services, and Education Appropriations Bill, FY 2008

H.R. 3043, the Labor, Health and Human Services, and Education Appropriations Act, FY 2008 (sponsored by Rep. Obey, D-WI), is continuing to be considered on the House floor on Wednesday, July 18, 2007, subject to an open rule ([H.Res. 547](#)), making in order any germane amendment under the five-minute rule. **A unanimous consent agreement limiting amendments has not yet been propounded.**

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks, and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule also waives the no-authorizing-on-appropriations point of order against provisions in the underlying bill. The rule allows one motion to recommit with or without instructions.

Note: The summaries below are based on RSC staff's review of *actual amendment text*. For a summary of the underlying bill and other amendments, see separate RSC documents released last night.

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Amendments Pre-Filed in the Congressional Record

- 7. Campbell (R-CA).** Reduces total appropriations in the bill by 0.25%.
- 8. Ehlers (R-MI).** Decreases funds in the Act for the Department of Labor, Management Salaries and Expenses by \$15.6 million; increases finds in the Act for the Department of Education School Improvement Programs by \$15.6 million.
- 9. Flake (R-AZ).** Prohibits funds from being used for the Burpee Museum, IL (Rep. Manzullo, \$150,000).
- 10. Flake (R-AZ).** Prohibits funds from being used for the South Carolina Aquarium (Rep. Brown, \$150,000).

- 11. Flake (R-AZ).** Prohibits funds from being used for the Corporation for Jefferson's Poplar Forest, VA (Rep. Goodlatte, \$200,000).
- 12. Flake (R-AZ).** Prohibits funds from being used for the Kansas Regional Prisons Museum (Rep. Boyda, \$100,000).
- 13. Flake (R-AZ).** Prohibits funds from being used for the Shedd Aquarium, Chicago, IL (Reps. Bean and Emmanuel, \$150,000).
- 14. Flake (R-AZ).** Prohibits funds from being used for the Portuguese and Lusophone Studies Program at Rhode Island College (Rep. Kennedy, \$100,000).
- 15. Flake (R-AZ).** Prohibits funds from being used for the American Ballet Theatre, New York City, (Rep. Maloney, \$150,000).
- 16. Flake (R-AZ).** Prohibits funds from being used for the American Jazz Museum (Rep. Cleaver, \$200,000).
- 17. Flake (R-AZ).** Decreases funds in the Act for the National and Community Service Act of 1990 by \$255.6 million; decreases funds in the Act for National Service Trust program by \$55 million.
- 18. Flake (R-AZ).** Prohibits funds from being used for the Missouri State University, College Preparatory Pilot Program (Rep. Blunt, \$100,000).
- 19. Flake (R-AZ).** Prohibits funds from being used for the Bay Area Science Exploratorium, Teacher Recruitment, Retention, and Improvement Initiative (Rep. Pelosi, \$300,000).
- 20. Jackson-Lee (D-TX).** Decreases then increases funds in the Act for the Department of Education Office for Civil Rights by \$2 million, thus no net funding change. The sponsor is likely attempting to earmark \$2 million for a specific (unknown) purpose. No further information was available.
- 21. McCaul (R-TX).** Reduces funds for the Department of Labor, Departmental Management by \$2.0 million (to \$294.9 million), increases funds for special education by \$2.0 million (to \$5.47 billion).
- 22. Moore (D-WI).** Prohibits funds in the Act from being used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal register on September 22, 2006.
- 23. Musgrave (R-CO).** Reduces total appropriations in the bill by 0.5%.
- 24. Musgrave (R-CO).** Reduces the salary of the Executive Director of the Global Fund, an organization to fight deadly diseases in the world's poorest countries, from \$320,000 to \$145,000.

The amendment sponsor notes that this would bring the salary in line with that of the U.S. Global AIDS Coordinator. The sponsor also writes that the Global Fund has been “spending money on activities well outside of its mission.”

25. Platts (R-PA). Increases funds for Even Start family literacy program by \$50 million with offsets from salaries and management accounts. Even start is currently funded at \$99 million, \$17 million over FY07.

26. Ryan (R-WI). Prohibits funds from being used for the Centers for Disease Control and Prevention’s Entertainment Education Program.

27. Shays (R-CT). Decreases funds in the Act for Bureau of International Labor Affairs Salaries and Expenses by \$500,000; increases funds in the Act for the National Labor Relations Board by \$500,000.

28. Whitfield (R-KY). Increases funds in the Act for Substance Abuse and Mental Health Services by \$10 million; decreases funds in the Act for the Office of the Secretary General Departmental Management by \$10 million.

29. Whitfield (R-KY). Designates \$10 million of the funds made available in this section (Substance Abuse and Mental Health Services Administration) to be used to carry out section 3990 of Public Health Service Act (42 U.S.C. 280g-4).

30. Jackson-Lee (D-TX). Increases and then decreases by \$2 million the funds for the Education Department’s Office of Civil Rights.

31. Jackson-Lee (D-TX). Increases and then decreases by \$2 million the funds for the Education Department’s funding for education for the disadvantaged.

32. Musgrave (R-CO). Prohibits funds from being used for Attachment Therapy (AT) or Holding Therapy. The amendment sponsor writes that, “The objective of AT is — literally — to force the children into attaching to their parents. A typical holding or rage reduction session might include placing a child on the ground with their arms and legs pinned. The child is yelled at over and over again in order to establish who is in control. The brutal methods employed in AT are intended to overcome the resistance of a child to total obedience. They are employed until the child’s will is completely broken.”

33. Holt (D-NJ). Reduces Education Department funds for program administration by \$25 million and increases funds for school improvement programs by \$25 million.

34. Holt (D-NJ). Increases funds for the Help America Vote Act (focus on disabled voters) by \$21 million and reduces funds for HHS departmental management by \$21 million.

35. Holt (D-NJ). Increases funds for the Help America Vote Act (focus on disabled voters) by \$42.5 million and reduces funds for HHS departmental management by \$42.5 million.

36. Johnson (D-TX). Reduces funds for education for the disadvantaged by \$46.5 million and increases funds for safe schools and citizenship education by \$46.5 million.

37. King (R-IA). Prohibits funds from being used by the Public Broadcasting Service to sponsor events at the Filmmaker Lodge at the Sundance Film Festival.

38. King (R-IA). Prohibits funds from being used to employ illegal workers (workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

39. King (R-IA). Reduces total appropriations in the bill by 4.8%. The amendment sponsor notes that such a reduction would bring the bill level down to that of the chairman's mark for FY2007.

40. Campbell (R-CA). Prohibits funds for all earmarks in the committee report.

NOTE: some of the Hensarling amendments below will be offered by a designee.

41. Hensarling (R-TX). Eliminates funding in the bill for Rural Community Facilities (\$8 million). Funding is used to provide training and technical assistance in developing and managing water facilities; improve coordination of federal, state, and local agencies with waste and water management; and distribute information to local communities on available federal resources. The President recommended eliminating funding for this program, stating that the "program is duplicative of other Federal entities such as the Bureau of Reclamation's Rural Water Program, which is responsible for water and waste water treatment facilities."

42. Hensarling (R-TX). Eliminates funds for the Job Opportunities for Low-Income Individuals program (\$5.0 million). The President recommended eliminating funding for this program, stating that this and other programs "do not have performance standards to assess their impact, are too narrowly focused to have a major benefit, duplicate other Federal programs, and award grants on a noncompetitive basis."

43. Hensarling (R-TX). Eliminates funding in the bill for the Community Economic Development programs (\$32.7 million). The federal government provides a broad array of duplicative federal grant programs to support economic development activities. In addition to being duplicative, most are ineffective, are not well targeted, and are subject to significant congressional earmarking.

44. Hensarling (R-TX). Eliminates funding in the bill for the Preventive Health under the Administration on Aging (\$21.4 million). The President did not request funding for this program for FY2008. These funds are awarded to States and territories to support activities that educate older adults about the importance of healthy lifestyles and promote healthy behaviors that can prevent or delay chronic disease and disability. The President's Budget eliminates funding for this program, because it is "duplicative of services that States can provide through AoA's Community-Based Supportive Services program." Also, "AoA envisions integrating prevention as an underlying principle in its core programs and advocating use of evidence-based programs to better address preventive health needs versus the current mechanism of providing a small funding stream of unfocused seed money through the Preventive Health Services program."

45. Hensarling (R-TX). Eliminates funding in the bill for the Even Start Program (\$99 million). In the FY 2008 budget request, the Administration did not request funding for this program. Even Start provides family literacy classes to low-income parents and children. According to the Administration, participants in the program “do not make greater literacy gains than non-participants.” Additionally, the Office of Management and Budget rated Even Start as “ineffective due to its poor results on national evaluations over a number of years” and the program has been rated “ineffective” by the PART Assessment.

46. Hensarling (R-TX). Eliminates the Educational Technology State Grants, saving \$272.3 million. The Educational Technology State Grants program supports funding for state and local school districts to utilize technology to improve instruction and student learning. It was created in the No Child Left Behind Act of 2001 as a consolidation of disparate educational technology programs. Funding supports teacher training in educational technology, technology deployment, and a host of other activities designed to utilize educational technology to improve student achievement.

47. Hensarling (R-TX). Eliminates funding for eliminate funding in the bill for Education for Native Hawaiians (\$33.9 million). Native Hawaiians are a racial group not a tribe and dispensing benefits to them would likely be subject to strict scrutiny in federal courts. Providing additional financial assistance to this group is not only duplicative of numerous current federal education programs, but is also likely unconstitutional. The President did not request funds for this in his FY2008 budget.

48. Hensarling (R-TX). Eliminates funding for the Javits Gifted and Talented Education program (\$7.6 million). The Javits program is duplicative of the Advanced Placement Program, and the research and development funds are also duplicative of the Department of Education’s Institute of Education Sciences Research. The program also rests on the questionable policy assumption that the federal government should be subsidizing the education of students who are *gifted and talented*—with undoubtedly bright futures ahead of them. According to the Administration, current grants are not structured to assess program effectiveness and identify successful intervention strategies that could have broad national impact. The Administration requested no funds for this program for FY2008.

49. Hensarling (R-TX). Eliminates funding in the bill for the Advanced Credentialing program (\$10.7 million). This program supports the development of advanced credentials based on the content experience of master teachers. Additionally, funds are given out to encourage and support teachers seeking advanced credentials. According to the Administration, federal support for this program is no longer needed because the development and implementation of advanced credentialing systems through the National Board for Professional Teaching Standards and the American Board for the Certification of Teacher Excellence is complete. In addition, the Administration does not believe that additional funding for outreach, recruitment, or candidate subsidies is warranted without conclusive evidence that advancing credentialing increases student achievement.

50. Hensarling (R-TX). Eliminates funding in the bill for the Writing Instruction program at the Department of Education (\$23.5 million). Under Titles II, III, and IV of the Elementary and

Secondary Education Act, the federal government provides extensive support to states and operates numerous programs designed to enhance teacher recruiting and training, support the immigrant population, etc. While many of these programs provide important services, states would be well served to receive this funding in the form of a block grant, with increased flexibility to use these funds on the programs most needed in that state. The President did not request funding for FY2008.

51. Hensarling (R-TX). Eliminates funding in the bill for the School Leadership program (\$14.7 million). The program provides competitive grants to assist high-need school districts with recruiting, training, and retaining principals and assistant principals. The constitutionality of the federal government recruiting principals for local schools is questionable at best. The President did not request funds for this program for FY2008.

52. Hensarling (R-TX). Eliminates funding in the bill for the Carol White Physical Education Program (\$72.7 million). The President's budget eliminated funding for this program. This program provides grants to local educational agencies and community-based organizations to initiate, expand, and improve physical education programs for students in kindergarten through 12th grade. Several other local, state, and federal programs exist – as well as privately funded programs – to encourage physical education and fitness.

53. Hensarling (R-TX). Eliminates funding in the bill for the Strengthening Alaskan Native and Native Hawaiian-Serving Institutions program at the Education Department (\$11.8 million). Native Hawaiians are a racial group, not a tribe, and dispensing benefits to them would likely be subject to strict scrutiny in Federal courts, and therefore presumably unconstitutional. Additionally, funding for the education of Native Alaskans is duplicative of all other education funding received by the state of Alaska. These students are eligible for all other education assistance, including elementary, secondary, and post-secondary grants. Dispensing benefits to them would likely be subject to strict scrutiny in federal courts. The President did not request funds for this program for FY2008.

54. Hensarling (R-TX). Eliminates funding in the bill for the Byrd Honors Scholarship program (\$40.6 million). This program, which awards merit-based scholarships to high school seniors through formula grants to state educational agencies, received a 2007 PART Assessment rating from the Administration of “results not demonstrated.” The scholarship program is duplicative of many other state, local, and federal scholarship programs. In addition, many universities and private entities provide scholarships to high school seniors entering college. The President did not request funds for this program for FY2008.

55. Hensarling (R-TX). Eliminates funding in the bill for the AmeriCorps program (\$255.6 million). AmeriCorps operates under the Corporation for National and Community Service, established by the National and Community Service Trust Act of 1993 to enhance opportunities for national and community service and provide national service educational awards. Federal funding for “volunteering” is constitutionally questionable at best. AmeriCorps is an inefficient and expensive way of assisting individuals to pay for college—and stretches the notion of what constitutes a “volunteer.”

56. Hensarling (R-TX). Eliminates funding in the bill for the Corporation for Public Broadcasting (CPB) (\$420.0 million in FY2010). Funding for CPB has historically been provided two years in

advance. The most recent appropriation for CPB was \$400.0 million for FY2009. CPB funds 15% of the Public Broadcasting Service's annual budget. The other 85% of PBS' budget comes from viewer donations, local governments, and universities.

CPB and PBS continue to use federal funding to pay for questionable programming, such as a documentary on sex education promoted and partially paid for by the Playboy Foundation. They also have prevented certain programming from airing that expressed politically incorrect viewpoints (e.g. conveying the views of moderate Muslims). In addition, much of the programming on PBS, such as Sesame Street, could bring in enough annual revenues to cover the loss of federal funding.

Lastly, nowhere in the Constitution is the federal government given the power to support entertainment, even if such entertainment is educational.

The Administration proposed that \$50 million in CPB's FY2008 appropriation be rescinded and that the two-year advance practice be terminated.

57. Hensarling (R-TX). Prohibits funds from being used for the Twin Cities Public Television for the Minnesota Digital Public Media Archive (Rep. McCollum, \$500,000).

58. Hensarling (R-TX). Prohibits funds from being used for the Centers for Disease Control and Prevention's Entertainment Education Program.

59. Hensarling (R-TX). Prohibits funds from being used for West Los Angeles College, Culver City, CA (Rep. Watson, \$300,000).

60. Hensarling (R-TX). Prohibits funds from being used for the Families in Schools program, Los Angeles, CA (Rep. Becerra, \$150,000).

61. Campbell (R-CA). Prohibits funds from being used for the Andre Agassi College Preparatory Academy (Rep. Berkley, \$200,000).

62. Campbell (R-CA). Prohibits funds from being used for the Rangel Center for Public Service (Rep. Rangel, \$2,000,000).

63. Campbell (R-CA). Reduces total appropriations in the bill by 0.25%.

64. Price (R-GA). Reduces funds for career and adult education by \$93.5 million (to \$1.15 billion).

65. Price (R-GA). Reduces funds for student financial assistance by \$65.0 million (to \$17.4 billion).